

Fairness for Crime Victims Act of 2020

Office of Senator Toomey (R-PA)

What is the Crime Victims Fund?

Congress created the [Crime Victims Fund](#) in 1984 based on a simple idea: money the government collects from those who commit crimes should be used to help those victimized by crime. Each year, criminal fines and penalties collected by the federal government are deposited into the Crime Victims Fund. The Fund receives no taxpayer dollars. A detailed background of the Crime Victims Fund from CRS can be found [here](#).

DOJ disburses money from the Crime Victims Fund to states and to victim assistance organizations (such as Child Advocacy Centers, domestic violence shelters, and rape crisis centers) to support victim compensation and provide services to victims. Money deposited into the Fund is supposed to be used solely to assist those victimized by crime.

Why is Legislation Needed?

For the first 15 years, the Crime Victims Fund worked as Congress intended; each year, the Fund disbursed to victims the money it collected the prior year. That changed in fiscal year 2000, when Congress began restricting the amount disbursed to victims by imposing a cap on obligations. Congress then used the remaining “unspent” funds as a budgetary offset for unrelated items in appropriations bills. Over time, as deposits to the Fund increased, the caps worked to depress the amount of compensation going to victims. For example, from FY10 through FY14, the Fund collected \$12.2 billion, but Congress gave crime victims only \$3.6 billion, or 30% of money deposited during that time.

A permanent solution is needed to ensure Congress does not revert back to the practice of withholding support to victims of child abuse, domestic violence, sexual assault, and other crimes to pay for discretionary spending projects. To that end, the substantive text of the Fairness for Crime Victims Act was incorporated unanimously by the Budget Committee into [S. 2765](#), the Bipartisan Congressional Budget Reform Act, which was reported last November.

Bill Details

The bill restores honesty to the Fund by providing that, each year, Congress must disburse the average of the past 3 completed years’ deposits into the Fund. This policy aligns with Congress’s legislative intent when it created the Fund: to ensure that money collected by the Crime Victims Fund goes to help the victims of these terrible crimes. This bill:

1. Creates an enforcement mechanism to prevent diversion of funds.

If an appropriations bill, continuing resolution, conference report, or amendment provides that the Fund shall disburse less than the average of the past 3 years’ deposits:

- **House:** The offending provision shall not be in order.
- **Senate:** Any Senator may raise a point of order to remove the offending provision.
 - Can be waived only by the votes of 60 Senators.
 - This is a surgical removal, which strips the offending provision only; it does not bring down the entire bill.

2. Secures increased, long-term funding for victims of crime, and increases reliability of disbursements, so that victim assistance organizations can better serve their communities.

Requires the Fund to disburse, at minimum, the average of the past 3 years’ completed collections:

- This smooths for large fluctuations in deposits by averaging disbursements. This creates improved budget and project planning certainty for victim assistance organizations.
- Preserves the balance (currently ~\$6B) of the Fund, which acts as a CHIMP/offset. This can help organizations “cushion” low deposit years.